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SUBJECT: RWANDA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHÉ

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarché language to be used in informing the Government of Rwanda of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Rwanda and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Rwanda of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Rwanda,s country narrative in the 2009 TIP Report:

RWANDA (TIER 2)

Rwanda is a source country for some women and children trafficked for the purposes of forced labor and sexual exploitation. Rwandan girls are trafficked within the country for domestic servitude, as well as for commercial sexual exploitation; in a limited number of cases, this trafficking is facilitated by loosely organized prostitution networks. There were isolated reports of such sex trafficking networks operating in secondary schools and universities. In addition, older females reportedly offer vulnerable younger girls room and board, eventually pushing them into prostitution to pay for their keep. Rwandan children are also trafficked to Uganda, Tanzania, and Kenya for agricultural labor or use in commercial sexual exploitation. Recruiters for the National Congress for the Defense of the People (CNDP), fraudulently promising high paying employment, defrauded Congolese men and boys from Rwanda-based refugee camps, as well as Rwandan adults and children from towns in western Rwanda, into forced labor and soldiering in the Democratic Republic of the Congo (DRC). In December 2008, the UN Group of Experts on the DRC released a report accusing Rwandan authorities of complicity in the fraudulent recruitment of soldiers, including children, by the CNDP and their movement across the border. Rwandan police or administrative officers reportedly were sometimes present during such recruitment.

The Government of Rwanda does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government concluded its first known anti-trafficking prosecution.

Recommendations for Rwanda: Enact and enforce the anti-trafficking provisions of the draft Penal Code through increased investigations and prosecutions of traffickers; take additional steps to assist children trafficked into prostitution and domestic servitude and to provide for their care; and launch a nationwide anti-trafficking public awareness campaign.

Prosecution

The government,s anti-trafficking law enforcement efforts increased modestly during the reporting period. Rwandan law does not prohibit all forms of trafficking in persons, though existing penal and labor code statutes prohibit slavery, forced labor, forced prostitution, and child prostitution, under which traffickers are prosecuted. Prescribed penalties under these statutes range from small fines to six years, imprisonment, which are sufficiently stringent but not commensurate with penalties prescribed for other grave crimes. Penal code revisions that encompass draft anti-trafficking legislation remained under consideration by the plenary of the Chamber of Deputies in 2008. Amendments to the Child Protection Law, which include draft provisions criminalizing the actions of hotels and cinema halls that provide venues for child prostitution, were not passed during the reporting period. In 2008, the Cabinet approved revisions to the labor code and transferred them to

Parliament for review. On the local level, more than 10 districts have instituted bylaws against child labor that prescribe fines for employers and parents; NGOs reported that these bylaws, provision of fines, accompanied by sensitization campaigns, has had a deterrent effect on child labor in local jurisdictions.

The government did not provide statistics on the punishment of trafficking offenders during the year. However, in May 2008, the Gasabo district court sentenced a man to 30 years, imprisonment for operating an underage prostitution ring. Due to her status as a minor, his 17-year old accomplice received a suspended sentence of five years, imprisonment. This is the country's first known conviction of a trafficking offender. In December 2008, the government arrested, but has yet to charge, three Rwandans suspected of illegally recruiting children and adults on behalf of the CNDP. Labor inspectors issued warnings and levied fines during the reporting period against those illegally employing children; no cases of forced labor were brought to court. At border crossings and security checkpoints throughout the country, the National Police questioned men traveling with children but without an adult female and inspected suspected irregularities, including any possible indications of trafficking; such inspections yielded no reported cases of trafficking.

Protection

With the exception of its care for former child combatants, some of whom are trafficking victims, the government provided few protective services to victims. The Rwandan Demobilization and Reintegration Commission (RDRC) continued operation of a center for child ex-combatants in Muhazi, which provided three months of care and education to children returned from the DRC by the United Nations Mission to the Congo; 28 children arrived at the center during the reporting period, joining 13 children who remained at the center from the previous reporting period. The RDRC worked with local authorities and an NGO to locate the children's families, and social workers sensitized the families before their child's return; in 2008, 12 children were reunited with their families. RDRC's social workers and district integration officers track each child's progress for two years and provide assistance with school fees and expenses, as well as offering income-generating support to their families.

In January 2009, Rwandan authorities cooperated with Ugandan law enforcement to repatriate a trafficked Rwandan boy to the country. During the reporting period, some local authorities identified children in prostitution and brought them to the attention of local organizations for assistance. The police headquarters in Kigali operated a hotline and an examination room for victims of gender-based violence; both were staffed by trained counselors and could be used by female victims of trafficking. Fully equipped examination rooms were also operational in Gasabo and Rwamagana. In June 2008, the Supreme Court distributed three checklists developed for police officers, prosecutors, and judges, respectively, on proper investigative, protective, and judicial procedures for addressing the needs of sexual and domestic violence victims; these measures are also applicable to the provision of protective services to trafficking victims. Resource and capacity constraints hindered full implementation of these procedures nationwide. In catch-up education programs spread over 80 centers, the Ministry of Education provided education for approximately 9,000 children who had missed all or part of their primary education due to involvement in child labor. The government encouraged victims to participate in investigation and prosecution of trafficking crimes and did not penalize victims for unlawful acts committed as a direct result of their being trafficked during the reporting period. Beyond a temporary stay of up to one month, existing legal statutes do not provide foreign trafficking victims with legal alternatives to their removal to a country where they may face hardship or retribution.

Prevention

The government's anti-trafficking prevention efforts significantly increased during the reporting period. There is, however, a general lack of understanding among government officials and the general population of what constitutes human trafficking. In January 2009, the Acting Commissioner General of Police spoke publicly about a case of child trafficking to Uganda and the importance of addressing trafficking crimes as a regional concern. In 2008, the Ministry of Public Service and Labor (MIFOTRA) and an NGO produced a documentary on child labor that was broadcast on national television eight times. The national university's radio station, in collaboration with labor inspectors, conducted awareness programs for parents, children, and teachers on exploitative child labor. District child labor task forces, comprised of the mayor, the vice mayor for social affairs, police, army child protection officers, education officers, teachers, and local leaders, met bi-monthly and conducted sensitization activities on the dangers and illegality of exploiting child labor, including during monthly community service days. In mid-2008, cell leaders, under the supervision of the Nyaruguru district child labor task force, conducted a survey assessing the extent of exploitative child labor and released the results in February 2009. In an effort to reduce the demand for commercial sex acts, men arrested for procuring females in prostitution received informal sensitization on women's rights, including a brochure on gender-based violence. Rwandan troops deployed to the UN peacekeeping mission in Darfur received training on gender sensitivity and sexual exploitation.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a

"Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: What progress has Rwanda made in the past year?

A: The Gasabo district court sentenced a man to 30 years, imprisonment for operating an underage prostitution ring. This is the Rwanda's first known conviction of a trafficking offender. The Rwandan Demobilization and Reintegration Commission continued operation of a center for child ex-combatants in Muhazi, which provided three months of care and education to 28 children returned from the DRC by the United Nations Mission to the Congo. The Ministry of Labor and an NGO produced a documentary on child labor that was broadcast on national television eight times. The national university's radio station, in collaboration with labor inspectors, conducted awareness programs for parents, children, and teachers on exploitative child labor. District child labor task forces conducted sensitization activities on the dangers and illegality of exploiting child labor, including during monthly community service days.

Q2: How can Rwanda further the fight against trafficking in persons?

A: To advance its anti-trafficking efforts, the Government of Rwanda could: enact and enforce the anti-trafficking provisions of the draft Penal Code through increased investigations and prosecutions of traffickers; take additional steps to remove children from prostitution and domestic servitude and to provide for their care; and launch a nationwide anti-trafficking public awareness campaign.

¶12. The Department appreciates posts, assistance with the preceding action requests.
CLINTON